

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SILVANA ALPHONSO	:	CIVIL ACTION
	:	No.: 10-5941
vs.	:	
	:	
SONY PICTURES ENTERTAINMENT, INC.	:	

ORDER

AND NOW this _____ day of _____, 2011, it is HEREBY
ORDERED AND DECREED that the Plaintiff is permitted to discontinue and dismiss the above
captioned matter WITHOUT PREJUDICE.

BY THE COURT:

J.

PENNA, GRABOIS & ASSOC., LLC
ATTORNEYS AT LAW
BY: MARSHALL L. GRABOIS, ESQ.
Attorney I.D. No. 17170
166 East Butler Avenue
Ambler, PA 19002
Tele. (215)643-7866

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SILVANA ALPHONSO	:	CIVIL ACTION
	:	No.: 10-5941
vs.	:	
	:	
SONY PICTURES ENTERTAINMENT, INC.	:	

**PLAINTIFF'S MOTION FOR DISMISSAL WITHOUT
PREJUDICE PURSUANT TO F.R.C.P. 41(a)(2)**

1. Movant is the Plaintiff, Silvana Alphonso.
2. Respondent is the Defendant, Sony Pictures Entertainment, Inc.
3. This is a personal injury action as a result of injuries suffered in a fall on September 14, 2009.
4. The Plaintiff is seeking to recover damages against the entity and entities that created a dangerous condition on the public way in Philadelphia near where film production for a movie named How Do You Know was taking place.
5. The Plaintiff seeks recovery against those entities responsible for that film production and responsible for creating a dangerous condition on the street that caused Plaintiff to trip and fall.
6. The action had originally been commenced only against Defendant, Sony, in the Philadelphia Court of Common Pleas, but was removed by Sony to this Federal Court.

7. Sony alone had originally been sued because the only entity known then by Plaintiff to have been involved in the film production was that entity. Such knowledge existed as a result of:

a. At the scene of the accident, Plaintiff was advised by persons appearing to her to be involved in the filming that Sony was the film producer.

b. At the scene of the accident, Plaintiff was medically administered to by persons seemingly involved in the filming who gave her a medical claim form imprinted with the name of the Sony Pictures Entertainment Medical Department.

c. After the accident, Plaintiff was contacted by an insurer to discuss compensation for Plaintiff and treatment of her injuries, and that identified itself in letters as the insurer for Sony Pictures Entertainment.

8. However, during discovery Sony has contended that none of its employees or agents were involved in the film production activity when Plaintiff was injured, and has contended that an entity named "How Do You Know Productions" was the entity conducting the filming, and that issues of safe passage of the public near and through the area of film production were the responsibility of Tri-County Security and the Philadelphia Police Department.

9. The Plaintiff thereafter became aware that How Do You Know Productions had its corporate office in Sony's office. The Plaintiff thereafter was informed at a deposition by a person designated by Sony that the persons directing the activity of How Do You Know Productions at the accident site regularly reported to Sony. At that deposition, however, Sony's

counsel would not allow the deponent to describe further the relationship between Sony and How Do You Know Productions.

10. On July 22, 2011, within 30 days of Plaintiff discovering the, the involvement of How Do You Know Productions, Inc. and Tri-County Security in the film production, the Plaintiff filed a Motion to file an Amended Complaint, seeking to add additional entities to the case along with Sony. That motion was filed within the deadlines set by the Court's case management Order.

11. On August 18, 2011, Sony filed an Answer to the motion, agreeing that Plaintiff be permitted to file an Amended Complaint.

12. On August 19, 2011, the parties jointly filed a Stipulation seeking the Court to issue an Order allowing Plaintiff to file an Amended Complaint.

13. Through September 13, 2011, the Court has not entered its Order permitting Plaintiff to file an Amended Complaint.

14. If Plaintiff fails to commence a lawsuit by September 14, 2011 against those entities (other than Sony) that may have liability to Plaintiff, she will be forever precluded from seeking such redress. In the instant lawsuit, if Sony is able to prove that the other entities identified by it were responsible instead of Sony, then the Plaintiff, unless those other parties were sued within the Statute of Limitations, would be severely prejudiced.

15. So as to protect Plaintiff's rights, a new lawsuit was commenced by Plaintiff on September 13, 2011 in the Court of Common Pleas of Philadelphia County at C.P. No. 001027. See **Exhibit "A"**. That lawsuit identifies all entities believed by Plaintiff to have been involved in the film production activity where she was injured.

16. Due to the potential liability of the Philadelphia Police Department by its involvement in creating the artificial dangerous condition, the State Court has jurisdiction over all parties.

17. In the interest of judicial economy and justice for all concerned, the Plaintiff's case against all parties that may be responsible should be handled in one case and in one forum. That forum, as set forth in Plaintiff's State Court Complaint, **Exhibit "A"**, only be through that lawsuit in the Court of Common Pleas of Philadelphia.

18. The Plaintiff therefore seeks that the Court enter its Order under Rule 41(a)(2) permitting Plaintiff to voluntarily dismiss the above captioned matter without prejudice.

WHEREFORE, Plaintiff requests permission to discontinue this action without prejudice.

Respectfully submitted,
PENNA, GRABOIS & ASSOC., LLC

By: MLG3706
MARSHALL L. GRABOIS, ESQUIRE
Attorney for Movant/Plaintiff

PENNA, GRABOIS & ASSOC., LLC
ATTORNEYS AT LAW
BY: MARSHALL L. GRABOIS, ESQ.
Attorney I.D. No. 17170
166 East Butler Avenue
Ambler, PA 19002
Tele. (215)643-7866

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SILVANA ALPHONSO	:	CIVIL ACTION
	:	No.: 10-5941
vs.	:	
	:	
SONY PICTURES ENTERTAINMENT, INC.	:	

CERTIFICATION OF SERVICE

Undersigned hereby certifies that a true and correct copy of the Plaintiff's Motion For Dismissal Without Prejudice Pursuant to F.R.C.P. 41(a)(2) was served, by U.S. First Class mail, postage prepaid, this 14th day of September, 2011, upon the following:

Phillip Priore, Esquire
4 Penn Center, Suite 800
1600 J.F.K. Blvd.
Philadelphia, PA 19103
Attorney for Defendant

MLG3706
Marshall L. Grabois, Esquire
Attorney for Plaintiff